

REMARKS**Claim Rejections**

The Examiner rejected claims 31-38 under 35 USC 102(a) as anticipated by, or in the alternative, under 35 USC 103(a) as obvious over Columbo et al. The Examiner provided a listing of the claims (1-16) from the Columbo patent and commented that Columbo et al. contained claims which included the method of using the orthotic gait device disclosed.

Claims 10-15 describe the method claims noted by the Examiner. Claims 1-9 and 16 describe the apparatus claimed by Columbo et al. Claim 10 recites a:

"Method for operating an apparatus as claimed in claim 1, wherein the orthotic device is turned away from the treadmill in order permit the patient to gain access to the treadmill; the orthotic device is positioned above the treadmill and is fixed to the patient, whereby the orthotic device is relieved by a relief mechanism; and the orthotic device is driven and controlled, and the treadmill is driven and controlled."

Claims 11-15 further define the methods of using the apparatus of Columbo et al.

Claim 1 of the Columbo patent describes a device comprising a driven orthotic device which is attached to a parallelogram for stabilizing the orthotic device and to prevent the patient from tipping forward, backward or sideways. The orthotic device is mounted to said parallelogram and is constructed to swing horizontally to allow a patient ingress and egress to the treadmill (column 3, lines 31-45). Therefore, the orthotic device must be moved to allow patient access to the treadmill and the device. Furthermore, the orthotic device of Columbo et al. must be positioned over the treadmill by action of the parallelogram linkage mechanism before the orthotic device can be used. This requires that the orthotic device be brought forward before the orthotic device can be secured to the patient. Furthermore, the orthotic device comprises a relief mechanism for the patient (see FIG. 1 and column 3 lines 9-16). The relief mechanism is a counter weight attached to the harness supporting the patient and serves to support a portion of the patient's body weight during therapy. The relief mechanism is specifically stated to relieve the orthotic device during use (see claim 10).

Claim 10 of the Columbo patent specifically incorporates the limitations of claim

1 as set forth in the preamble of claim 10. The limitations present in claim 1 regarding the device require modifications to methods of using the device as set forth in claims 10-15. Specifically, the methods described by the Applicant do not require that the orthotic device (the powered leg actuator assemblies) be moved to allow the patient access to the treadmill. As clearly illustrated in the specification and figures, the patient can be placed on the treadmill and positioned using the powered lifting device over the treadmill without moving the orthotic device. The Applicant's claims 31-38 reflect this method of use. While provisions for rotating the orthotic device to the side to allow final positioning of the patient, such a movement is not required for patient access to the treadmill. In addition, the orthotic device described by the Applicant is not required to be moved into position over the treadmill as required for the orthotic device of Columbo. Such a method of use is required by the device of Columbo since the orthotic device is attached to the rear of the patient rather than from the sides as is found in the Applicant's device. Therefore, the method of using the Applicant's device to simulate a normal walking pattern is simpler and more efficient than that described by Columbo. The Columbo reference does not teach or suggest the alternative approach suggested by the Applicant. IN addition, given the teaching of the Columbo reference, one of ordinary skill in the art would not have been motivated to modify the method of using the device of Columbo to arrive at the method of use taught by the Applicant. In fact, given the structure of the device taught by Columbo, the Columbo reference teaches away from the method of use taught by the Applicant.

Therefore, the Applicant respectfully suggests the methods of use taught in the instant application are novel and not obvious in view of the Columbo reference.

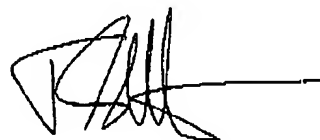
Claim Objection

The Examiner objected to claims 31-38 based on a typographical error in claims 31 and 35. The Applicant has requested that claims 31 and 35 be amended to address this error.

Conclusion

Applicant respectfully requests that the requested amendments be entered and that a timely Notice of Allowance be issued in this case.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'T. Gregory Peterson', with a long horizontal line extending to the right.

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